

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Gabino Genao

Plaintiff,

**21-CV-00303 (AT) (VF)**

-against-

**ORDER**

City of New York et al.,

Defendants.

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

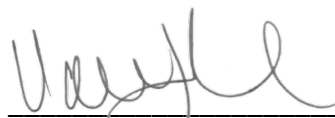
On January 19, 2022, Plaintiff filed a motion to compel, asking for an order requiring Defendants to produce any "fire and safety directive," any "chemical agent deployment directive," and any "chemical decontamination directive" for the City's Department of Corrections. See ECF No. 45. The Court held a telephonic conference on May 5, 2022. During that conference, Plaintiff's other requests for discovery raised in his motion to compel (pertaining to video footage of the incident and any "camera disposal directives" of the prison facility) were resolved. Following the conference, Defendants filed supplemental briefing opposing Plaintiff's motion to compel the production of the fire and safety directive, the chemical agent deployment directive, and the chemical decontamination directive. See ECF No. 56. Defendants also submitted the directives to the Court—specifically, "Directive 1247 - Portable Fire Extinguisher Directive"; "Directive 1246 - Facility Fire and Safety Committee"; "Directive 1240 - Facility Fire Evacuation Response Team"; and "Directive 4510R-G - Chemical Agents."

After an in camera review of those directives, Plaintiff's motion to compel is **DENIED**. Plaintiff does not allege in his complaint in this case that he was sprayed with a chemical agent;

he alleges only that he was sprayed with a fire extinguisher. Moreover, the directive relating to chemical agents (Directive 4510R-G) discusses the use and storage of two chemical agents, neither of which are contained in fire extinguishers. As such, the directive is not relevant to Plaintiff's claims in this case. Further, the three directives that do relate to fire extinguishers do not address how fire extinguishers should be deployed or used. Instead, the directives concern fire evacuation procedures, the inspection and location of fire extinguishers, and the establishment of a committee to identify fire safety items in a facility. The Court concludes that none of those directives are relevant to Plaintiff's claims in this case and thus Defendants do not need to produce them.

**SO ORDERED.**

DATED: New York, New York  
May 23, 2022

A handwritten signature in black ink, appearing to read 'Valerie Figueredo', is written over a horizontal line.

VALERIE FIGUEREDO  
United States Magistrate Judge